

Message Text

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ORIGIN EB-07

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TO AMEMBASSY NASSAU

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E.O. 11652: N/A

TAGS: EAIR, BF

SUBJECT: CIVAIR - FOLLOW-UP TO PRECLEARANCE AGREEMENT

REF : NASSAU 233

FOLLOWING COMMENTS RELATE TO SIMILARLY LETTERED PARTS
OF PARA 4, REFTEL:

(A) MUCH OF THE DISCUSSION LEADING UP TO PRECLEARANCE
AGREEMENT SIGNING WAS APPARENTLY NOT PUT ON PAPER AND
DEPT DOES NOT HAVE PRECISE RECORD OF ADDERLEY COMMITMENT.
IT DOES HAVE DOCUMENTS, HOWEVER, WHICH SHOW THAT LEGAL
QUESTIONS RELATED TO ENFORCEMENT WERE MAJOR PROBLEM
FROM SUMMER OF 1973 UNTIL AGREEMENT SIGNED IN APRIL 1974.
(TO HELP FILL IN EMBASSY'S RECORD, DEPT IS POUCHING
NASSAU 1366, 1510, 1569, 1626, 44, 200 AND 282, AND
STATE 21824 FROM THAT PERIOD.) ADDERLEY REQUESTED
LEGAL ASSISTANCE IN OCTOBER (NASSAU 1569), AND IN
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FEBRUARY DECIDED HE MIGHT PROCEED WITH SIGNATURE BEFORE

COMPLETING THE NECESSARY DOMESTIC LEGISLATION (NASSAU 282).
WHILE AVAILABLE DOCUMENTS DO NOT ADDRESS POINT SPECIFICALLY, IT SEEMS CLEAR FROM RECOLLECTIONS THOSE WHO VISITED NASSAU IN INTERIM (INCLUDING ORTMAN OF EB/OA/AVP), AND CONSISTENT WITH WRITTEN RECORD, THAT CUSTOMS LAWYER

DISCUSSED QUESTION OF ENFORCEMENT WITH ADDERLEY IN DECEMBER 1973, AND LEFT A DRAFT OF POSSIBLE BAHAMIAN LEGISLATION.

(B) THE BAHAMIAN COMMITMENT IS TO OBSERVE THE AGREEMENT, SPECIFICALLY ARTICLE III. WE UNDERSTAND THAT GCOB BELIEVES IT MUST PASS DOMESTIC LEGISLATION IN ORDER TO BE ABLE TO DO SO, AND WE HAVE TRIED TO BE HELPFUL TO GCOB IN PREPARING APPROPRIATE LEGISLATION. IF GCOB WERE NOW TO DECIDE THAT DOMESTIC LEGISLATION IS NOT A NECESSARY PRELIMINARY, WE OBVIOUSLY WOULD HAVE NO

OBJECTION. BUT WE DO EXPECT BAHAMIANS TO HONOR THE AGREEMENT.

(C) REVISION OF DRAFT HAS BEEN UNDERTAKEN IN REGIONAL OFFICE MIAMI, AND ONLY MAJOR POINT TO BE CHANGED OF WHICH CUSTOMS HEADQUARTERS IS SO FAR AWARE IS THAT THE SECOND DRAFT, WHICH WAS INTENDED ONLY TO MAKE THE FIRST MORE PRECISE AND NOT TO MAKE ANY SUBSTANTIVE CHANGES, INADVERTENTLY GAVE U.S. INSPECTION OFFICIALS SEARCH AND ARREST AUTHORITY. WHILE THIS MIGHT BE DESIRABLE FROM PURE ENFORCEMENT POINT OF VIEW, CUSTOMS RECOGNIZES BAHAMIAN SENSITIVITIES AND CHANGE WAS SIMPLE SLIP OF PEN. WHEN NEW DRAFT IS FORWARDED TO HEADQUARTERS FOR APPROVAL, DEPT WILL HAVE OPPORTUNITY TO COMMENT. PLEASE LET US KNOW IF THERE ARE OTHER SPECIFIC POINTS WE SHOULD LOOK FOR PARTICULARLY.

(D) DRAFT LEGISLATION WAS PRESENTED TO ADDERLEY IN RESPONSE TO HIS REQUEST FOR TECHNICAL LEGAL ASSISTANCE, AND RESPONSIBLE TECHNICAL AGENCIES TOOK LEAD IN ITS PREPARATION. WE HAVE BEEN UNABLE DETERMINE WHETHER OR NOT L INVOLVED AT ALL. HOWEVER, L WILL REVIEW NEW LIMITED OFFICIAL USE

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LANGUAGE WHEN AVAILABLE TO BE SURE THERE NO OBVIOUS LEGAL FLAWS.

(E) DONE.

(F) APPROVE COURSE OF ACTION PROPOSED PARA 3, REFTTEL. KISSINGER

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